

MINUTES
PLANNING AND ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 11 September 2023

1. CALL TO ORDER: Chair Zachary Carlton at 6:00 P.M.

2. QUORUM CHECK: Michael Cassata, Development Services Director

Commission Members Present:

Mary Andrews, Member
Zack Carlton, Chair
Sheila Garcia, Member
Deborah Hernandez, Member
John Hudson, Member
Linda Sefton, Member
Cynthia Spurlock, Vice-Chair
Devona Trigilio, Member
Diane Woods, Secretary

Staff Present:

Kim Turner, City Manager
Michael Cassata, Development Services Director
Maribel Garcia, Deputy City Clerk

Applicant Attendees:

Scott Price, Terramark Urban Homes
Ro de Leon, Terramark Urban Homes

Mr. Cassata noted a quorum was present.

3. MINUTES OF THE PREVIOUS MEETING: Regular Meeting – 7 August 2023

Mr. Hudson moved to approve the minutes of the previous meeting. Ms. Andrews seconded the motion.

The motion was approved unanimously.

4. NEW BUSINESS:

- A. Public Hearing: P.C. 582 (ZC 244) – A request for an amendment to the Future Land Use Plan from GC-General Commercial to HDR-High Density Residential for an approximately 3.03-acre tract located at the northeast corner of Athenian Drive and Centerbrook Drive [CB 5047K BLK 6 LOT 1] & [CB 5047K BLK 6 LOT 1] & [CB 5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)], per Zoning Ordinance 581.**

Mr. Cassata presented development specifics regarding Terramark Urban Homes' request for a FLUP amendment, Zone Change, and PUD. He said the preliminary and final plats would be presented to the Commission later. He stated Staff first met with Terramark in March and discussed common issues and comments associated with the PUD process. He said there would be 27 single-family homes, bringing this development to nine units per acre. There would be 141 parking spaces total, with two garage and two driveway spaces for each home. The driveway would be able to accommodate a large truck such as a Ford F150. He discussed the drive aisle and height of each home. There would be a detention pond to accommodate stormwater runoff, a consolidated unit box for mail, an enclosure unit for community-shared recycling, and each home would have a personal trash bin enclosure. 29 legal notices were issued with one response in opposition; the commercial facility across the street expressed concern regarding traffic and increased crime. Mr. Cassata responded to speed limit concerns. He noted Staff believed 16.7% open space would be suitable for this PUD. He noted Terramark agreed to amend the fencing materials.

Mr. Hudson confirmed there would be a sidewalk and was told it would be 4 feet wide on Athenian and 6 feet wide on Centerbrook. There would be approximately 23 feet of space between the front of the home and the drive aisle on Athenian.

Mr. Hudson moved to open the Public Hearing. Ms. Spurlock seconded the motion.

The motion was approved unanimously; Chair Carlton opened the Public Hearing at 6:15 P.M.

Mr. Price presented added details from what Mr. Cassata provided. He clarified the location and said all homes would be two-story units with three bedrooms and three bathrooms. He reported the open space design had not yet been finalized, but it is common to create a shaded dog park area with seating. He gave a brief history of Terramark and his own professional background. He shared the benefits of the location for the company and benefits of the proposed development for the City. He stated the detention pond would not be designed and engineered until the development is approved. He stated parallel parking will not interfere with the drive aisle.

Ms. Trigilio received confirmation the homes would be sold and not rented.

Ms. Garcia confirmed the homes were similar to garden homes considering there would be a zero lot line.

Mr. Price reviewed fence, roof, and design regarding materials used. He commented that the company would spend time individually designing different exterior facades to create a varying but cohesive design.

Chair Carlton and Mr. Price discussed online ordering and package delivery procedures considering the gated front yard.

Ms. Andrews inquired about the varying designs. She received clarification that all floorplans would be the same, but the exteriors would be slightly different.

Ms. Sefton received clarification that the price of the homes would be set at market rate. In another comment, Ms. Sefton recommended Terramark investigate and apply for VA loan approval prior to putting the homes on the market. She asked them to confirm VA loan authorization prior to house sales so that the high percentage military families in Universal City would be able to immediately be part of their market. She noted it takes about 6-8 months to gain loan authorization from the VA.

Ms. Spurlock asked if it was possible to design a floorplan with the master bedroom downstairs. She opined this would make the development more accessible to older generations.

Mr. Price showed that the downstairs bedroom has a bathroom connection making the transition a bit easier. Nevertheless, he said he would look into this possibility.

Ms. Hernandez expressed concern regarding trash vehicle access to homes.

Mr. De Leon reported that Waste Management and Terramark have worked together to ensure smooth trash pickup. He said residents would only have to put their trash on the curb.

Mr. Cassata added that potential issues have been discussed with both Waste Management and EMS/fire services.

Ms. Woods confirmed the trash can would be its regular size and not smaller.

Ms. Sefton received confirmation regarding which grass and landscaping areas the HOA would maintain.

Chair Carlton and Ms. Turner discussed green space near the Universal City water tower.

Mr. Hudson moved to close the Public Hearing. Ms. Hernandez seconded the motion.

The motion was approved unanimously; Chair Carlton closed the Public Hearing at 6:45 P.M.

- B. Consider: P.C. 582 (ZC 244) – A request for an amendment to the Future Land Use Plan from GC-General Commercial to HDR-High Density Residential for an approximately 3.03-acre tract located at the northeast corner of Athenian Drive and Centerbrook Drive [CB 5047K BLK 6 LOT 1] & [CB 5047K BLK 6 LOT 1] & [CB 5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)], per Zoning Ordinance 581.**

Ms. Woods stated that after conducting a public hearing on the request for an amendment to the Future Land Use Plan for the property at the northeast corner of Athenian and Centerbrook, the Planning and Zoning Commission had considered the request and she moved to approve P.C. 582 (ZC 244) and the amendment to the Future Land Use Plan from GC-General Commercial to HDR-High Density Residential for the subject property with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. City Council approval of the Zone Change from C2-Retail to PUD 2023-105 District
3. City Council approval of the PUD Final Plan
4. Planning and Zoning Commission approval of the Preliminary and Final Plats of Subdivision within two years of PUD Final Plan approval by City Council.

Ms. Sefton seconded the motion.

The motion was approved on a 9 – 0 vote.

- C. Public Hearing: P.C. 583 (ZC 245) – A request for a Zone Change from C2-Retail to PUD 2023-105 for an approximately 3.03-acre tract located at the northeast corner of Athenian Drive and Centerbrook Drive [CB 5047K BLK 6 LOT 1] & [CB 5047K BLK 6 LOT 1] & [CB 5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)], per Zoning Ordinance 581.**

Mr. Hudson moved to open the Public Hearing. Ms. Spurlock seconded the motion.

The motion was approved unanimously; Chair Carlton opened the Public Hearing at 6:49 P.M.

Ms. Sefton moved to close the Public Hearing. Mr. Hudson seconded the motion.

The motion was approved unanimously; Chair Carlton closed the Public Hearing at 6:50 P.M.

- D. Consider: P.C. 583 (ZC 245) – A request for a Zone Change from C2-Retail to PUD 2023-105 for an approximately 3.03-acre tract located at the northeast corner of Athenian Drive and Centerbrook Drive [CB 5047K BLK 6 LOT 1] & [CB 5047K BLK 6 LOT 1] & [CB 5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)], per Zoning Ordinance 581.**

Ms. Spurlock stated that after conducting a public hearing on the request for a Zone Change for the property at the northeast corner of Athenian and Centerbrook, the Planning and Zoning Commission had considered the request and she moved to recommend approval of PC 583 (ZC 245) and the Zone Change from C2-Retail to PUD 2023-105 District for the subject property with the following conditions.

1. Staff approval of outstanding PUD Final Plan comments
2. City Council approval of the FLUP amendment from GC-General Commercial to HDR-High Density Residential
3. City Council approval of the PUD Final Plan
4. Planning and Zoning Commission approval of the Preliminary and Final Plats of Subdivision within two years of PUD Final Plan approval by City Council.

Mr. Hudson seconded the motion.

The motion was approved on a 9 – 0 vote.

- E. Public Hearing: P.C. 584 (ZC 246) – A request for approval of PUD Preliminary and Final Plans (PUD 2023-105) for an approximately 3.03-acre tract located at the northeast corner of Athenian Drive and Centerbrook Drive [CB 5047K BLK 6 LOT 1] & [CB 5047K BLK 6 LOT 1] & [CB 5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)], per Zoning Ordinance 581.**

Ms. Woods moved to open the Public Hearing. Mr. Hudson seconded the motion.

The motion was approved unanimously; Chair Carlton opened the Public Hearing at 6:52 P.M.

Ms. Sefton moved to close the Public Hearing. Mr. Hudson seconded the motion.

The motion was approved unanimously; Chair Carlton closed the Public Hearing at 6:53 P.M.

- F. Consider: P.C. 584 (ZC 246) – A request for approval of PUD Preliminary and Final Plans (PUD 2023-105) for an approximately 3.03-acre tract located at the northeast corner of Athenian Drive and Centerbrook Drive [CB 5047K BLK 6 LOT 1] & [CB 5047K BLK 6 LOT 1] & [CB 5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)], per Zoning Ordinance 581.**

Per Section 4-5-56 of the Zoning Code, no PUD Preliminary and Final Plans shall be recommended for approval by the Planning and Zoning Commission unless said plans have met with the procedural process requirements outlined for preliminary and final plans. As such, the Planning and Zoning Commission had:

1. Made findings of fact based upon the evidence presented at the Public Hearing to support the conclusions identified in Section 4-5-56(6) of the Zoning Code.
2. Determined that the PUD Final Plan is in substantial conformity with the approved PUD Preliminary Plan, which in this case are one and the same.
3. Determined that the PUD Final Plan complies with any and all conditions imposed by approval of the PUD Preliminary Plan.
4. Determined that the PUD Final Plan complies with the provisions of the PUD zoning ordinance and all other applicable federal, state and City codes, ordinances, regulations, and other applicable laws.
5. Specified that the reason for a recommendation of approval is due to the fact that the PUD Final Plan is designed to accommodate church and educational uses and any related uses that will allow flexibility in order to achieve a higher and better use not otherwise afforded via traditional zoning.
6. Provided recommended limitations or conditions as identified in the following section of this motion.

Therefore, in conclusion and as a separate statement from the Findings of Fact, Ms. Garcia moved to recommend approval of PC 584 (ZC 246) and the associated PUD Preliminary and Final Plans for the property at the northeast corner of Athenian and Centerbrook with the following conditions.

1. Staff approval of outstanding PUD Final Plan comments
2. City Council approval of the FLUP amendment from GC-General Commercial to HDR-High Density Residential
3. City Council approval of the Zone Change from C2-Retail to PUD 2023-105 District
4. Planning and Zoning Commission approval of the Preliminary and Final Plats of Subdivision within two years of PUD Final Plan approval by City Council.
5. Modification of Development Regulations exhibit, Section V. Fencing/Screening, regarding prohibition of 'composite material' and 'durable plastic' for the privacy walls, trash enclosures, and privacy fences.

Mr. Hudson seconded the motion.

The motion was approved on a 9 – 0 vote.

- G. Public Hearing: P.C. 589 (ZC 250) – A request for a text amendment to Chapter 4-5 – Zoning Sections 4-5-70 & 4-5-71 to modify the Fence Requirements to provide clarification on intent, permitting and inspection requirements, as well as definitions, per Zoning Ordinance 581.**

Mr. Cassata gave a brief history of the fencing issue and deliberations made by City Council. He displayed the proposed ordinance with redlined changes and provided a summary table that explained “public viewshed”, “minor maintenance” and “major maintenance”. He mentioned that all other Code requirements would remain the same. He clarified for Ms. Garcia that a variety of materials are included in the ordinance with many requirements remaining the same.

Ms. Spurlock moved to open the Public Hearing. Ms. Woods seconded the motion.

The motion was approved unanimously; Chair Carlton opened the Public Hearing at 7:05 P.M.

Mr. Hudson moved to close the Public Hearing. Ms. Woods seconded the motion.

The motion was approved unanimously; Chair Carlton closed the Public Hearing at 7:06 P.M.

- H. Consider: P.C. 589 (ZC 250) – A request for a text amendment to Chapter 4-5 – Zoning Sections 4-5-70 & 4-5-71 to modify the Fence Requirements to provide clarification on intent, permitting and inspection requirements, as well as definitions, per Zoning Ordinance 581.**

Ms. Spurlock gained clarification that in the case that someone wanted to install a back-to-back fence with their neighbors, this would be a Code violation and would not be considered major maintenance regardless because it would not be allowed.

Ms. Sefton asked whether there was a time limit between when someone could replace 16 pickets and another 16 pickets later.

Mr. Cassata stated the amendment does not provide for this scenario. He said these scenarios would be dealt with on a case-by-case basis with reasonable procedures followed.

Ms. Woods stated she would prefer the smooth side out to avoid providing a climbable surface.

Ms. Trigilio received clarification that maintenance regarding staining or painting fences does not require a permit or inspection.

The Commission discussed the function of permits as protection for the consumer.

Ms. Woods state that per Section 4-5-21 of the Zoning Code, no text amendment to the Zoning Code shall be approved by City Council unless it has received a recommendation by the Planning and Zoning Commission.

Having done so, Ms. Woods moved to approval P.C. 589 (ZC 250) and to recommend approval of the proposed modifications to the fence requirements ordinance in the Zoning Code. Mr. Hudson seconded the motion.

The motion was approved on a 9 – 0 vote.

5. CITY MANAGER’S REPORT:

Ms. Turner gave a brief overview of the following acronyms:

PC – Planning Case/Commission

VC – Variance Case

ZC – Zone Change

FLUP – Future Land Use Plan

CB – County/Census Block

BLK – Block (plats are divided into blocks)

LOT # – Number assigned individual parcels

within blocks

AC – Acres

ABS – Abstract (a piece of land that has never been platted)

P – Parcel

ZO – Zoning Ordinance

She also reported that City Council had finished their budget and tax rate cycle with final readings on the tax rate ordinance being September 19th. All PUDs that had gone before Council had passed.

6. ADJOURNMENT: Chair Carlton adjourned the meeting at 7:22 P.M.

Zachary Carlton
Chairman

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